

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PETER BODA

Plaintiff,

ORDER

11-CV-28 (KAM)(SMG)

- against -

DETECTIVE JOHN PHELAN, et al.,

Defendants.

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MATSUMOTO, United States Magistrate Judge:

On June 12, 2013, during a pre-motion conference at which plaintiff Peter Boda was present by telephone, the court ordered that the defendants' summary judgment motions be served on plaintiff by July 12, 2013, and that plaintiff file his opposition by October 15, 2013. Defendants were to reply to that opposition by November 1, 2013 and file the fully briefed motions with the court. Both defendants certify that they have served their moving papers on plaintiff.

By letter motions dated November 1, both defendants have advised the court that they have received no opposition from Mr. Boda and request that their motions be deemed fully briefed. (ECF Nos. 91, 92). Those two motions are denied at this time, and Mr. Boda is granted a final extension to serve any opposition on defendants by **November 15, 2013**. Any reply from defendants will be due one week thereafter, on **November 22, 2013**, and the fully briefed motions should be filed by that time. As defendant B.M.'s summary judgment motion, ECF No. 90, is not yet fully briefed, it is terminated without prejudice to refiling after the deadline for plaintiff's opposition is passed.

Mr. Boda is warned that if his opposition is not served on defendants by November 15, the defendant's summary judgment motions will be deemed unopposed, and, it is likely, summary judgment be entered against him in this case. The Clerk of Court is respectfully requested to serve a copy of this letter on plaintiff at the return address listed in Mr. Boda's most

recent letter to the court: 25-35 33rd Street, Garage Level, Astoria NY 11102. Plaintiff is reminded that he should inform the court of any changes of address.

SO ORDERED.

Dated: November 1, 2013
Brooklyn, New York

/s/
KIYO A. MATSUMOTO
United States Magistrate Judge